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AN ACT

RELATING TO INDIAN CHILDREN; REQUIRING CONSIDERATION OF
CULTURAL NEEDS IN INDIAN CHILD PLACEMENT; AMENDING A SECTION
OF THE CHILDREN'S CODE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 32A-18-4 NMSA 1978 (being Laws 1993,
Chapter 77, Section 227) is amended to read:

"32A-18-4. CULTURAL AWARENESS--CULTURALLY APPROPRIATE
PLACEMENTS.--

A. An Indian child placed in foster care,
preadoptive placement, adoptive placement or a secure
facility shall be allowed to maintain the child's cultural
ties and shall be permitted to participate in activities that
strengthen cultural awareness.

B. An Indian child placed in a secure facility
shall be permitted to participate in activities that
strengthen cultural awareness. A representative of the
child's culture shall be allowed access to the secure
facility to provide activities that strengthen cultural
awareness; provided that the activities are restricted to the
premises of the secure facility.

C. Upon determining that a placement out of the
home is medically necessary for an Indian child, the
interagency behavioral health purchasing collaborative and its

1 contractors shall make reasonable efforts to place the child
2 with a licensed residential treatment center, group home or
3 treatment foster care home that provides culturally competent
4 care and access to appropriate cultural practices, including
5 traditional treatment, as determined in consultation with the
6 child's tribe." _____

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